

SECTION 8 HOUSING VOUCHER LANDLORD NEWSLETTER

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The Colorado Division of Housing would like thank all Section 8 Rental Assistance Landlords for providing housing to low-income families within the State. Your continued participation in the program is greatly appreciated!

SECTION 8 HOMEOWNERSHIP OPPORTUNITIES

The Section 8 Housing Choice Voucher Program (the Program) currently provides the opportunity for families participating in the Program to become homeowners.

Families who have been participating in the Section 8 program for at least one year may request the homeownership option. Families must work closely with their local Section 8 Contractor to determine the best method of fulfilling the goal of homeownership. This includes establishing the family's ability and readiness to become homeowners.

The family has certain requirements and responsibilities, such as finding a lender that will qualify them for a home loan, finding a suitable home to purchase, and participating in a first time home buyer class.

The family might consider a rent to own situation. A rent to own option can allow the family time to get their credit history cleaned up, qualify for the best lending package, save for the necessary down payment and closing costs, and begin to understand homeownership responsibilities and how it would impact their lives.

As a Section 8 participating Landlord, you can help families understand ownership information such as the cost of replacing appliances or repairing damages. If a family in your unit talks to you about homeownership, you might agree to work with the family, and if they are able to move into a homeownership situation, you could consider a mutual rescission of the lease. If a family can succeed at homeownership, you can then lease your unit to another participating family, maintaining a working relation-



ship with your Section 8 agency.

If you have a property that you want to sell, consider the possibility of selling to a Section 8 participating family. This first time homeownership opportunity is designed to aid families to realize complete self-sufficiency, the pride of homeownership, the meaning of community, and permanently ending subsidized living.

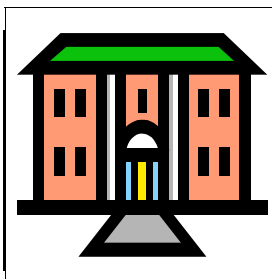
If you have questions about the DOH Homeownership Program, please review our plan at www.dola.state.co.us/DOH under Rental Assistance or call your local Section 8 agency.

LATE JULY 2002 HOUSING ASSISTANCE PAYMENTS

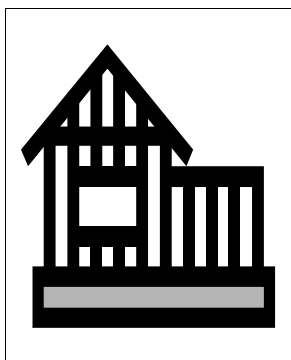
The July rental assistance payment checks will be delayed due to the State of Colorado's fiscal year end on June 30th. Your rental subsidy check should be

delivered no later than July 11th. If you do not receive your check by this date, please contact Judy Fisher at (303) 866-4818 or Antoinette Estrada at (303)

866-4644. Colorado Division of Housing truly appreciates your consideration and patience in this matter.



“The mission of the Colorado Division of Housing is to ensure that Coloradans live in safe, decent and affordable housing. We do this by helping communities meet their housing goals.”



“The road to success is always under construction.”

HOUSING QUALITY STANDARDS

The primary objective of the Housing Quality Standards (HQS) is to protect the health and safety of families living in federally subsidized housing. This objective is achieved by the annual HQS inspection of housing units receiving these funds. Subsidized housing has a broad definition in that it can be multi-family apartments built with federal Community Development Block Grant/HOME funds or families receiving Section 8 tenant based housing vouchers. In fact, most affordable housing projects assisted with state or federal dollars must meet applicable local codes, zoning ordinances and, at a minimum, HUD HQS for existing housing.

The development of Housing Quality Standards for program use nationwide is difficult due to the diversity of housing stock characteristics, but it is considered the “minimum criteria” that is applicable across the country for subsidized housing. For those who are familiar with other types of housing

inspection, the HUD HQS will appear less stringent than building codes (that apply to new construction) and less stringent than many local housing codes. The HUD HQS has been set high enough to guarantee a basic level of decent, safe and sanitary housing nationwide, but not so high as to restrict the availability of passable housing in areas of the country where the supply is more limited.

The Housing Quality Standards do permit variations, where justified by such things as local climate, geographical conditions, state, local or model codes. Housing agencies wishing to establish variations in HQS must submit a request for approval to the HUD Field Office.

Another purpose of the HQS, beyond protecting the tenant and preventing the spending of federal dollars on substandard housing, is to increase the supply of standard housing for lower income families. By making federal subsidies contingent on passing HQS, it is

hoped that owners of marginally substandard housing units will upgrade them to qualify for federal subsidies.

The family seeking housing, the owner of the housing, the housing agencies administering affordable housing programs and the housing inspector are all involved in the process of ensuring that Housing Quality Standards are satisfied.

The Colorado Division of Housing has developed an Interactive Training Link on our web site for landlords and housing agencies wanting to improve their knowledge of HUD’s Housing Quality Standards.

If you would like more information on Housing Quality Standards, please visit our web site at www.colorado.gov/cdh/training.htm.

ELECTRONIC FUNDS TRANSFER

DOH would like to inform landlords and property managers of a process that will have your housing assistance payments deposited electronically directly to your bank account. This process will reduce the paper and time that it takes to have a check sent in the mail. Electronic Funds Transfer is safe and DOH encourages our landlords to take part in this convenient method of payment. If you would like more information regarding EFT, please contact Judy Fisher at (303) 866-4818.

LEAD-BASED PAINT REGULATIONS

The US Department of Housing and Urban Development (HUD) has issued a new regulation to protect young children from Lead-Based Paint (LBP) hazards in federally assisted housing. The new requirements took effect on September 15, 2001. The new regulation sets “hazard reduction requirements” that emphasize reducing lead in household dust. Scientific research has found that exposure to lead dust is the most common way young children become lead poisoned.

DOH Section 8 contractors annually inspect rental units according to HUD Housing Quality Standards (HQS). The new regulations require that housing contractors visually inspect all painted surfaces, both interior and exterior, if:

- The unit was built before January 1, 1978, and
- The unit is occupied by children under the age of 6 or by a pregnant woman.

Interior Surface - If deteriorated paint surfaces are detected larger than 2 square ft. in an interior space or more than 10% of a total surface area such as windowsills, baseboards or trim, then the paint must be stabilized.

Exterior Surface - If deteriorated paint surfaces are detected that total larger than 20 square ft. in an exterior space, the paint must be stabilized.

Stabilization - is the removal of the deteriorated paint, repair and an application of new paint. A clearance test will then be performed, by housing agency contractors, after the paint is stabilized. The test is then sent to a lab to determine if there is a danger of LBP.

**REMEMBER, THIS INFORMATION ONLY APPLIES TO
RENTAL UNITS BUILT BEFORE 1978
AND THAT ARE OCCUPIED BY CHILDREN UNDER THE AGE OF 6 OR BY A PREGNANT WOMAN.**

To reduce LBP hazards in your rental units - if your rental unit was built before 1978, and children and/or a pregnant woman live in the unit, you can:

- Have the paint tested by a certified LBP inspector. Although somewhat costly, this is the best way to find out if you have LBP in your rental unit.
- Repair any disturbed paint surfaces using safe work practices. For a free brochure called “Protect Your Family From Lead In Your Home” and “Reducing Lead Hazards When Remodeling Your Home,” call 1-800-424-LEAD.
- Repair or cover surfaces that chip repeatedly. For example, fix a leaking roof that causes paint to peel underneath; install vinyl troughs in window sills that chip due to friction; cover old layers of lead-based paint with paneling or drywall.

For more information on LBP, you may call the National Lead Information Clearinghouse at 1-800-424-LEAD. The web site is www.epa.gov/lead/NLIC.

HUD/OAKLAND HOUSING AUTHORITY V. RUCKER

On March 26, 2002, the U.S. Supreme Court rendered a unanimous (8-0) opinion in favor of HUD and the Oakland Housing Authority in the HUD v. Rucker case. The opinion upheld the right of a housing authority to evict an entire household based on drug-related or criminal activity of a household member or guest without specific proof that the tenant knew or possessed the ability to control the criminal activity. Specifically, the case involves the meaning and constitutionality of Section 6(I)(6) of the Housing Act (originally enacted in the Anti-Drug Abuse Act of 1988) which requires all public housing leases to contain a clause providing that drug-related and other serious crime engaged in by a tenant, any member of the tenant’s household, a guest or other person under the tenant’s control, shall be cause for termination of tenancy.

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Colorado Division of Housing
Tom Hart, Director

1313 Sherman Street
Room 518
Denver, CO 80203

Phone: (303) 866-2033
Fax: (303) 866-4077

We are on the WEB!
[www.dola.state.co.us/doh/
index.htm](http://www.dola.state.co.us/doh/index.htm)

HUD v. Rucker—continued from page 3

The case began when the Oakland Housing Authority commenced eviction actions against four elderly tenants based on drug-related criminal activity engaged in by household members and a caregiver. Reversing the contrary holding of the Ninth Circuit Court of Appeals, the Justices ruled that this statutory language is clear and unambiguous and does not include a so-called innocent tenant defense. HUD's lease and grievance regulations implementing the statutory language were found to have reasonably interpreted the statute and were thus entitled to judicial deference under *Chevron v. Natural Resources Defense Council*. Finally, the court rejected the tenants' assertion that the eviction of an entire household was unconstitutional because they were being held accountable for the act of others.

Importantly, the ruling applies to evictions based not only on criminal activity engaged in by household members but that of guests as well. It lays to rest the very considerable judicial uncertainty that has existed for a number of years concerning the permissibility of so-called innocent tenant evictions.



Fair Housing and Renter's Rights

Both state and federal laws exist which disallow discrimination in housing. These laws prohibit discrimination of protected classes based on: Race, Color, National Origin, Religion, Sex, Handicap and Familial Status.

Although the fair housing laws apply to all segments of the real estate industry, this article will focus on rental housing. Violations of fair housing laws can result in civil lawsuits, with the possibility of paying punitive damages. These lawsuits can involve administrative proceedings in which the government acts as both investigator and prosecutor. Violation of these Fair Housing laws can be very expensive. The following are examples of acts prohibited under Fair Housing laws:

- Refusing to rent after a bona fide offer has been made, or to negotiate the rental of a dwelling, based on membership in a protected class;
- Establishing requirements for admission which operate to exclude protected classes;
- Using a lease or contract with different terms to discriminate against protected classes;
- Employing any form of quota system to limit occupancy by protected individuals;
- Limiting the use of facilities or services by a protected individual, or providing a lower quality of service to such a person;
- Discouraging applications or inappropriately influencing the choice of a rental unit through steering, threats or intimidation;
- Providing false or misleading information about a housing opportunity;
- Failing to effectively communicate, through advertising or on site marketing activities, the availability of housing to protected classes;
- With respect to persons with disabilities, refusing to make reasonable changes in rules, policies, services or practices to permit full use and enjoyment of the housing by such persons;
- Refusing to allow reasonable modifications to dwellings to permit accessibility by persons with disabilities;
- In the case of new construction, constructing buildings and units that are inaccessible to persons with disabilities; and
- Employing different standards of eviction for a member of a protected class.

For information on Fair Housing, please contact the Colorado Civil Rights Commission at 1-800-262-4845.